

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

*

*

EDDIE MURPHY #306651

Plaintiff

*

Civil Action No. WDO-13-2990

v.

Christopher Ortt, CO II *

Jury Trial Demanded

Officer Peters, CO II
Bradley Wilt, LieutenantIn their individual and
official capacities

* * * Defendants * * *

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PRO SE

OCT 9, 2013

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

Complaint

1) Officer Christopher Ortt on 10/02/2013 at this reported approximate time of 10:00 am, was feeding up on Bravo tier. When he approached my cell he allowed my cell-mate Jodie Hill to receive his food tray. When I reached for my ~~meat~~ tray he slammed my hand in the food slot ^{causing intense bleed and pain} and later wrote me a Notice of Inmate Rule Violation stating that I spit on him in a fraudulent attempt to cover up his crime, and Bradley Wilt, Lt. approved. See Exhibit 1

2) Later, Officer Ortt again returned to my cell at his reported approximate time of 11:55 AM on 10/02/2013. He approached my cell, cell B-57, opened my slot and sprayed ~~about~~ three long burst of pepper spray into my cell on my face and body for no reason, in disregard of my mental health, as well, he also sprayed Jodie Hill. Bradley Wilt also approved of this. See EXHIBIT 2 Ortt lied to cover up the truth.

3) Me and my cell-mate were then taken to see medical.

staff who did nothing but take my vital signs.

4) I was given no decontamination shower but placed right back into my cell under the direction of Lieutenant Bradley Wilt even though I asked him for a shower. Ortt lied about us being "decontaminated."

5) I was only able to really gain my eyesight back after having to stick my head in the toilet due to the officers turning my sink water off. The toilet water had urine and spit in it and smelled, and for a time, maybe days after it my eyes hurt as if they were infected.

6) Because my cell-mate Jodie Hill and I had not been placed in the shower we decided to cover up the window so the officers couldn't make their court \$ so they'd had to get a sensible supervisor to address our medical needs for a decontamination shower. Instead Officer Peters and other officers along with a sergeant charged into our cells after telling us to get down and we had already complied with that order they still used the electric shield to zap my maced skin. Then they left out of the cell again without giving us a shower. The combination peeled my skin back and caused intense pain and I was not seen by medical again.

7) I have previously exhausted all of my administrative remedies as evidenced in my previous lawsuit filed in this court even after the ARP Coordinator Sgt. Zais dismissed the Request for Administrative Remedy fraudently because he did not under that DCD referred to have the authority to do so. The issues in the administrative remedies arise out of continuing violations.

8) Moreover, the ARP process is not "available" to me as I have been threatened and retaliated against for filing complaints, and the officers supervisors are involved in preventing me from seeking to vindicate my constitutional rights.

The Relief I Seek Is

- 1) Costs in this matter
- 2) Monetary Relief in the amount of \$500,000.00, individually and jointly for compensatory, punitive and other damages.
- 3) Any other corrective actions that may be just
- 4) Order that I be placed in the Department of Mental Health and Hygiene.

I, Eddie Murphy, Do Hereby Declare and Affirm under the penalties of perjury that all herein stated facts

in this Complaint are true to the best of my personal knowledge and belief.

Eddie Murphy

Eddie Murphy

306651

N.B.C.I.

14100 McMullen Hwy, S.W.

Cumberland, Md 21502

Department of Public Safety and Correctional Services

NOTICE OF INMATE RULE VIOLATION

Inmate Name: EDDIE
MURPHY

SID Number: 2214918

Facility Location: North Branch Correctional Facility

Housing Location: NBCI 1_B_057_A

Case Number: 2013-073

Control Number: 306651

Reporting Staff Name: Christopher Ortt

Position: Approving Supervisor

Date of Report: 10/02/2013

Reported Facts:

Date of reported conduct: 10/02/2013 Time of reported conduct: 10:00 AM

Reported Facts:

On 10/2/13 at approximately 10:00am, I, Officer Christopher Ortt COII, was conducting feed up on B wing of Housing Unit 1. When I approached the dropped slot of cell B-57 to hand in the feed up tray, Inmate Eddie Murphy, DOC 306651, spit on my right arm through the open feed up slot and stated "fuck you bitch next time I'll shit you down". I was able to get the slot secure to prevent any further assault. I contacted Lieutenant B. Wilt, HU manager notified him of the incident. I advised Inmate Murphy that he would be receiving this adjustment. Inmate Murphy was identified by personal recognition.

Recommended Charge: 101, 405

Signature of Reporting Staff:

I solemnly affirm under the penalties of perjury and upon personal knowledge that the facts set forth in the above report are true.

Reporting staff: Christopher Ortt

Approving Supervisor

Print Name and Title

Signature

10/02/2013

Date

Supervisor Review Action

- ☐ Informal Resolution (See Notice on Informal Resolution form served with this document for details.)
- ☒ Formal Hearing (See Notice of inmate Rule Violation And Disciplinary Hearing form served with this document for details.)
- ☐ Recommended Administrative Segregation Assignment Pending Formal Hearing ☐ Use Of Force Reported
- ☐ Contraband Disposition

Rule Violation Charge : 101.Commit assault or battery on staff
405.Demonstrate disrespect or use vulgar language

Comments : Inmate not placed ASPA due to length of seg time remaining

Shift Supervisor : Bradley Wilt

Approving Supervisor

Print Name and Title

Signature

10/02/2013

Date

Shift Commander's Administrative Segregation Review:

I have reviewed the above Administrative Segregation recommendation And: ☐ Approve ☐ Disapprove the recommendation.

Department of Public Safety and Correctional Services

NOTICE OF INMATE RULE VIOLATION

Inmate Name: EDDIE
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SID Number: 2214918

Facility Location: North Branch Correctional Facility

Housing Location: NBCI 1_B_057_A

Case Number: 2013-074

Control Number: 306651

Reporting Staff Name: Christopher Ortt

Position: Approving Supervisor

Date of Report: 10/02/2013

Reported Facts:

Date of reported conduct: 10/02/2013 Time of reported conduct: 11:55 AM

Reported Facts:

On 10/2/13 at approximately 11:45am, I, Officer C. Ortt COII, was assigned as escort Officer to the A/B side of HU1. I observed water coming from the area of cell B-57. I responded to that cell and heard Inmate DeShawn Peterkin, #348420, who resides in B-6A, yelling to Inmate Eddie Murphy, #306651, who resides in B-57A, to break the sprinkler head of the fire suppression system. I looked into B-57 and saw Inmate Murphy was standing on the toilet attempting to tie a ligature around the sprinkler head. I ordered Inmate Murphy to step down and cease what he was doing. He said "fuck you bitch" and continued to tie off the ligature. I dropped the slot and ordered Inmate Murphy again to cease and he again refused to comply. I applied a burst of pepper spray into the cell in the direction of Inmate Murphy to prevent him from damaging state property. Inmate Murphy was ordered to the slot to cuff up and he refused. Inmate Murphy prevented his cell mate, Inmate Jodie Hill, #317449 from approaching the slot to be handcuffed. The slot was closed. Approximately 3 minutes later, after the pepper spray had achieved the desired effect, both Inmate Murphy and his cellmate Inmate Hill came to the slot and cuffed up. Both inmates were escorted to the HU #1 Medical Room where they were evaluated and treated for pepper spray exposure and decontaminated.

Recommended Charge: 116, 400, 405

Signature of Reporting Staff:

I solemnly affirm under the penalties of perjury and upon personal knowledge that the facts set forth in the above report are true.

Reporting staff: Christopher Ortt Approving Supervisor
Print Name and Title

Signature

10/02/2013
Date

Supervisor Review Action

- ☐ Informal Resolution (See Notice on Informal Resolution form served with this document for details.)
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- ☐ Contraband Disposition

Rule Violation Charge: 116.Possess, misuse, tamper with, damage, or destroy security equipment or property, detection equipment, or fire suppression equipment or alarm

400.Disobey an order

405.Demonstrate disrespect or use vulgar language

Comments: Inmate not placed ASPA due to length of current sentence.

Shift Supervisor: Bradley Wilt Approving Supervisor
Print Name and Title

Signature

10/02/2013
Date